

Notice of Allowability

Application No.

10/707,088

Examiner

Kurt Fernstrom

Applicant(s)

BAULDOCK, GERALD

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on January 20, 2005.
2. ☒ The allowed claim(s) is/are 1-16.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Gerald Bauldock on April 12, 2005.

The application has been amended as follows:

In claim 1, line 4, "are a diameter in length" has been deleted and replaced with --each has a length equal to the diameter of the circular ring--.

Also in claim 1, line 4, "diameters" (between ".14" and "in length") has been deleted and replaced with --times the diameter of the circular ring--.

Also in claim 1, line 4, "that" (between "length" and "can be attached") has been deleted and replaced with --, wherein each of the flexible bars--.

In claim 2, line 2, "A" (before "device of claim 1") has been deleted and replaced with --The--; and "an" (between "wherein" and "intersecting") has been deleted and replaced with --the--.

In claim 3, line 2, "A" (before "device of claim 1") has been deleted and replaced with --The--; and "a" (between "wherein" and "circular") has been deleted and replaced with --the--.

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In claim 4, line 3, "A" (before "device of claim 1") has been deleted and replaced with –The--.

In claim 4, line 4, "mechanism allows" has been deleted and replaced with --mechanisms allow--.

In claim 4, line 5, "allows" (between "and" and "the flexible bars") has been deleted and replaced with --allow--.

In claim 5, line 3, "A" (before "device of claim 1") has been deleted and replaced with –The--; and –the first three-- has been inserted between "wherein" and "flexible bars"

In claim 6, line 2, "A" (before "device of claim 1") has been deleted and replaced with –The--.

In claim 6, line 3, and –the fourth—has been inserted between "wherein" and "flexible bars".

In claim 7, line 3, "A" (before "device of claim 1") has been deleted and replaced with –The--; and "a circular ring which" has been deleted.

In claim 7, line 4, "circle" has been deleted and replaced with "circular ring".

In claim 8, line 6, "are a radius in length" has been deleted and replaced with --each has a length equal to the radius of the circular ring--.

Also in claim 8, line 6, "radiuses" (between ".28" and "in length") has been deleted and replaced with –times the radius of the circular ring--.

In claim 8, line 7, "that" (between "length" and "can be attached") has been deleted and replaced with --, wherein each of the flexible bars--.

In claim 8, line 8, “mechanism” has been deleted and replaced with – mechanisms--.

In claim 9, line 2, “A” (before “device of claim 8”) has been deleted and replaced with –The--; and “an” (between “wherein” and “intersecting”) has been deleted and replaced with –the--.

In claim 10, line 3, “A” (before “device of claim 8”) has been deleted and replaced with –The--.

In claim 10, line 4, “mechanism allows” has been deleted and replaced with – mechanisms allow--.

In claim 10, line 5, “allows” has been deleted and replaced with –allow--.

In claim 11, line 2, “A” (before “device of claim 8”) has been deleted and replaced with –The--.

In claim 11, line 3, “A” (before “device of claim 8”) has been deleted and replaced with –The--; and –the first six —has been inserted between “wherein” and “flexible bars”).

In claim 11, line 4, “mechanism” has been deleted and replaced with – mechanisms--.

In claim 12, line 2, “A” (before “device of claim 8”) has been deleted and replaced with –The--.

In claim 12, line 3, and –the seventh—has been inserted between “wherein” and “flexible bars”.

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In claim 12, line 4, "mechanism" has been deleted and replaced with – mechanisms--.

In claim 13, line 3, "A" (before "device of claim 8") has been deleted and replaced with –The--; and "a circular ring, which" has been deleted.

In claim 13, line 5, "radius" has been deleted and replaced with –radii--.

In claim 14, line 3, "A device of claim 8, wherein a circular ring, which when the three" has been deleted and replaced with "The device of claim 8, further comprising a flexible bar which is .14 times the radius of the circular ring in length, wherein when three of the--

In claim 15, line 1, "A" (before "device of claim 8") has been deleted and replaced with –The--; and "the" (between "wherein" and "attachment mechanism") has been deleted and replaced with –each--.

In claim 15, line 2, "ring or circle" has been deleted and replaced with –circular ring--.

In claim 16, line 1, "A" (before "device of claim 8") has been deleted and replaced with –The--; and "the" (between "wherein" and "attachment mechanism") has been deleted and replaced with –each--.

In claim 16, line 2, "ring or circle" has been deleted and replaced with –circular ring--.

The following is an examiner's statement of reasons for allowance: The amendments to the claims have overcome the prior art. There is no suggestion in the

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prior art of a device having flexible bars of the precise claimed length, such that a user may attach the flexible bars around a circular ring to demonstrate the length of the circumference of the ring in relation to its diameter or radius. Figure 2 best demonstrates the operation of the device.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kurt Fernstrom whose telephone number is (571) 272-4422. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jessica Harrison can be reached on (571) 272-4449. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KF
April 12, 2005


KURT PERNSTROM
PRIMARY EXAMINER